REMARKS

Claims 1-12 are pending and under consideration.

In the Office action Claims 1-12 were rejected.

With this Amendment, Claims 1–5, and 9–12 have been amended. No new matter has been added as a result of this amendment.

Accordingly, claims 1-12 are at issue.

I. 35 U.S.C. § 112 Indefiniteness Rejection of Claims of Claims 3 - 5

Claims 3-5 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 has been amended to clarify the invention, and remove any ambiguities that may have been the basis for this rejection. As such, Claim 3 recites that the dividing unit divides individual first packets corresponding to first and second information into a plurality of corresponding individual second packets, such that the first and second transmission units transmit the first and second information by using the plurality of corresponding individual second packets.

Accordingly, Applicant respectfully request that the rejections of Claim 3–5 under 35 U.S.C. § 112 be withdrawn.

II. 35 U.S.C. § 112 Indefiniteness Rejection of Claims of Claims 9-12

Claims 9-12 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly pint out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9 has been amended to recite that "a first deletion step of deleting each of said second packets, stored in said storing step, corresponding to said assembled information for each of said second packets when each of said second packets is assembled into said corresponding individual first packets in said assembling step."

Claim 10–12 have been amended in a similar fashion.

Applicant respectfully request that that the rejections of Claim 9-12 under 35 U.S.C. § 112 be withdrawn.

III. 35 U.S.C. § 103 Obviousness Rejection of Claims 1 -3, and 6 - 8

Claims 1-3, and 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hamilton et al. ("Hamilton") (US 6,392,993) in view of Schmidl et al. ("Schmidl") (US App. 2002/0012337) and further in view of Orimo et al. ("Orimo") (US 5,666,484). Applicant respectfully traverses this rejection.

Claim 1 is directed to an information processing apparatus. The information processing apparatus comprises a first transmission unit, a receiving unit, a clocking unit, a determination unit, and a second transmission unit.

The Examiner states that Hamilton does disclose the second transmission for retransmitting the first information when the determination determines that the time clocked by the clocking does not exceed said reference value. The Examiner further indicates that in Hamilton the retransmission of the first information only happens when the time does not exceed the reference value. However, Applicant respectfully disagrees.

In fact, Hamilton states that "Retransmission suppressor 130 is designed to suppress retransmission of a packet requested by a received NAK if the packet was previously sent within a designated time frame. This gives retransmitted packets time to propagate through the network and be received before they are retransmitted a second time. One implementation of retransmission suppressor 130 sets a suppression timer each time a packet is transmitted. The same packet will not be retransmitted again until the suppression timer for that packet expires. The value of the suppression timer will depend on the expected propagation time in the network." (See column 18, lines 35–64; column 31, lines 12–35; and column 32, lines 23–48).

Thus, Hamilton discloses that a packet (first information) is retransmitted after the time has exceeded the reference value and a negative acknowledgment has been received. As such,

Hamilton teaches away from the claimed limitation that a second packet (second information) is transmitted when the time exceeded the reference value and a negative acknowledgment has been received.

Accordingly, Hamilton and Schmidl may not properly be combined to reject Claim 1. Claim 1 is allowable over Hamilton in view of Schmidl, as well as dependent Claims 2 and 3 for at least the same reasons.

In regard to the rejections of Claims 6, 7, and 8, these claims directed to a method, a recording medium, and a program, respectively, are also allowable over Hamilton in view of Schmidl in an analogous manner to the apparatus Claim 1.

IV. 35 U.S.C. § 103 Obviousness Rejection of Claim 4

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton in view of Schmidl in view of Orimo as applied to claim 3 above, and further in view of Tseung (US 5,109,384). Applicant respectfully traverses this rejection.

Claim 4 is indirectly dependent on Claim 1, shown above to be allowable over Hamilton in view of Schmidl. Thus, Claim 4 is allowable over Hamilton in view of Schmidl in view of Orimo, and further in view of Tseung.

V. 35 U.S.C. § 103 Obviousness Rejection of Claims 1 -3, and 6 - 8

Claim 5 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton in view of Schmidl, Orimo, and Tseung as applied to claim 4 above, and further in view of Kamihara (US 6,854,020). Applicant respectfully traverses this rejection.

Claim 5 is indirectly dependent on Claim 1, shown above to be allowable over Hamilton in view of Schmidl. Thus, Claim 5 is allowable over Hamilton in view of Schmidl, Orimo, Tseung, and further in view of Kamihara.

VI. 35 U.S.C. § 103 Obviousness Rejection of Claims 9-12

Claims 9-12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hamilton in view of Knobel (US 6,765,871). Applicant respectfully traverses this rejection.

Claim 9 is directed to a processing method and recites that "second deletion unit for deleting said second packet, stored in said storage unit, corresponding to said first packet which is prior to said first packet to which said second packet in which said flag is contained corresponds when said determination unit determines that said flag is contained in the information received by said receiving unit."

Hamilton discloses that "When the first packet of a message is received, a timer may be set. If the entire message has not been received before the timer expires, then message life timer 158 may delete the partially received message and recover the space occupied by it. Message life timer 158 may be responsible for communicating with receiver 148 to identify when the first packet of a new message has been received."

The Examiner states that Hamilton's approach of deleting the partially received message (second packet) after a timer set by the receiver has expired is analogous to Applicant's claimed feature of deleting the second packet after a flag contained in a first packet has been determined.

However, as claimed after the second packet has been deleted from the storage unit the first packet containing the flag is stored in the storage unit. In contrast, as discussed above Hamilton teaches that if the entire message (second packet) has not been received before the timer expires; the same second packet is retransmitted.

Thus, Hamilton and Knobel may not properly be combined to reject Claim 9.

In regard to the rejections of Claims 10-12, these claims directed to a method, a recording medium, and a program, respectively, are also allowable over Hamilton in view of Knobel in an analogous manner to the apparatus Claim 1.

VII. Conclusion

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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